

**IDAHO REAL ESTATE APPRAISER BOARD**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 10/23/2017**

**BOARD MEMBERS PRESENT:** Paul J Morgan - Chair  
H Scott Calhoun  
B Jane McClaran  
Eric J Brinton  
Douglas D Vollmer

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Eric Nelson, Board Prosecutor  
Roger Hales, Naylor and Hales  
Cesley Metcalfe, Technical Records Specialist  
Deborah Sexton, Management Assistant

The meeting was called to order at 8:30 AM MDT by Paul J Morgan.

**APPROVAL OF MINUTES**

Mr. Calhoun made a motion to approve the minutes of 08/07/2017. It was seconded by Ms. McClaran. Motion carried.

**EXECUTIVE ORDER**

Mr. Calhoun updated the Board on the Executive Order meeting on 10/12/2017 with Lieutenant Governor Little. Mr. Calhoun stated that Lieutenant Governor Little gave an overview of the Executive Order and explained that the purpose of the review is to ensure the lightest possible hand of government regulating commerce and industry while still preserving the public trust.

Ms. Cory and Mr. Ellsworth reviewed the system in place to provide active supervision to the Board.

**LEGISLATIVE REPORT**

Mr. Ellsworth stated that the Idaho Legislature has an Interim Committee that has been studying the use of Hearing Officers. The Interim Committee is also looking at the Idaho Administrative Procedures Act. Draft legislation was presented at the Interim Committee's last meeting that would make changes to Idaho

Administrative Procedures Act and the way contested cases are handled. The Bureau submitted a letter to the committee which met on Oct. 2, 2017 seeking clarification and rationale on some of the changes. As the Bureau receives additional information, it will be provided to the Board.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$490,119.18 as of 09/30/2017.

## **DISCIPLINE**

Mr. Nelson presented a memorandum regarding case number REA-2017-9. After discussion, the Board gave recommendations for appropriate discipline. Mr. Brinton was recused from the case.

Mr. Nelson presented a Stipulation and Consent Order in case REA-2017-6. Mr. Calhoun made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Vollmer. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Mr. Vollmer made a motion to approve the Bureau's recommendation and authorize closure in cases REA-2017-24, REA-2018-3, REA-2018-6, and closure with a warning letter in case REA-2018-2. It was seconded by Mr. Calhoun. Motion carried.

The Board reviewed the probation log.

Mr. Calhoun requested that Mr. Morgan perform the final review of Mr. Johnson's probation report in regard to case REA-2016-3.

## **COMMENT ON PROPOSED LAW AND RULE**

Mr. Hales reviewed a comment the Board received from Mr. Ed Morse on its proposed law and rule. Mr. Vollmer made a motion to authorize Mr. Hales and Mr. Calhoun to draft a response to Mr. Morse. It was seconded by Ms. McClaran. Motion carried.

## **OLD BUSINESS**

To Do List – The Board reviewed the to do list and no action was taken.

## **NEW BUSINESS**

### **APPRAISAL SUBCOMMITTEE FINAL RULE FOR APPRAISAL MANAGEMENT COMPANY FEE IMPLEMENTATION**

The Board reviewed the ASC Final Rule on the “Collection and Transmission of the Annual AMC Registry Fees”. The Final Rule will go into effect on November 24, 2017 and adopts the minimum of \$25 as set by statute as the annual AMC registry fee. The Appraisal Management Companies (AMCs) will be charged this fee for every appraiser on their panel who completes a covered transaction in the previous 12 months.

### **AMC RENEWAL APPLICATION**

The Board reviewed the AMC renewal applications and discussed possible changes to capture the information required by the Appraisal Subcommittee (ASC) for the AMC registry fee. Mr. Calhoun, Mr. Hales, and Ms. Hall agreed to work on changes to the renewal application and bring it back to the Board to review at the next scheduled meeting.

### **AMC APPLICATION**

The Board reviewed the current AMC application in relation to the ASC Final Rule on the Collection & Transmission of Annual AMC Registry Fees. No action was taken.

### **AARO CONFERENCE UPDATES**

Mr. Calhoun and Ms. Metcalfe gave an overview of some of the highlights from the Association of Appraisal Regulatory Officials (AARO) conference.

### **2018-19 USPAP BOOKS**

Ms. McClaran made a motion to order the new 2018-19 USPAP version for members of the Board and staff. It was seconded by Mr. Calhoun. Motion carried.

### **CORRESPONDENCE**

The Board reviewed correspondence from a currently registered AMC asking if the Board will accept a rider if the AMC changes its name, or if the Board will require that a new bond be submitted. The Board determined that because the AMC is only changing its name and not its company structure or Employer Tax Identification Number, a rider is acceptable. Mr. Vollmer made a motion to authorize Bureau staff to draft an AMC name change form. It was seconded by Mr. Brinton. Motion carried.

The Board reviewed correspondence from the Appraisal Subcommittee soliciting comments on a proposal to revise policy statements. No action was taken.

The Board reviewed correspondence from an appraiser who was seeking clarification on whether performing an appraisal for a distant relation through marriage would create a conflict of interest. Mr. Vollmer made a motion to authorize bureau staff to draft a response stating that the relationship as depicted would not constitute a conflict of interest, but to remind the appraiser that he has an obligation to disclose the relationship in his appraisal report and perform the appraisal without bias. Mr. Morgan will review and sign the response. It was seconded by Mr. Brinton. Motion carried.

### **EXECUTIVE SESSION**

Mr. Calhoun made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Brinton. The vote was: Mr. Morgan, aye; Mr. Calhoun, aye; Ms. McClaran, aye; Mr. Vollmer, aye; and Mr. Brinton, aye. Motion carried.

Mr. Calhoun made a motion to come out of executive session. It was seconded by Ms. McClaran. The vote was: Mr. Morgan, aye; Mr. Calhoun, aye; Ms. McClaran, aye; Mr. Vollmer, aye; and Mr. Brinton, aye. Motion carried.

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Mr. Calhoun made a motion to come out of executive session. It was seconded by Mr. Vollmer. The vote was: Mr. Morgan, aye; Mr. Calhoun, aye; Ms. McClaran, aye; Mr. Vollmer, aye; and Mr. Brinton, aye. Motion carried.

### **APPLICATIONS**

Mr. Calhoun made a motion to respond to applicant 901154768 with a letter as directed by the Board. It was seconded by Mr. Brinton. Motion carried.

Mr. Calhoun made a motion to deny applicant Advanced AMC, Inc. based on Idaho Code §§ 54-4107(b), 54-4126(2)(a), 54-4126(3)(b), and 54-4133. It was seconded by Ms. McClaran. Motion carried.

## **CE COURSES**

Mr. Calhoun made a motion to approve the following continuing education courses:

Ag Economics, Consulting & Soil Fundamentals and Classifications  
Agricultural Chattel Valuation  
ASFMRA 88<sup>th</sup> Annual Convention – Day One  
ASFMRA 88<sup>th</sup> Annual Convention – Day Two  
Rapid Fire Case Studies  
Spokane-Kootenai Real Estate Research Market Forum

It was seconded by Mr. Brinton. Motion carried.

## **APPLICATIONS**

Mr. Calhoun made a motion to deny reconsideration of applicant 901080709. It was seconded by Mr. Vollmer. Motion carried.

Mr. Calhoun made a motion to approve Gregory Walker for licensure as a Certified Residential Appraiser. It was seconded by Mr. Vollmer. Motion carried.

Mr. Calhoun made a motion to approve the following Appraisal Management Companies (AMCs) for registration:

Appraisal MC LLC	AMCA-4560
Appraisal Management Services of America, Inc.	AMCA-4540
ClickAppraiser.com, Inc.	AMCA-4575
Heartland Valuation Service, LLC	AMCA-4511
Kairos Appraisal Services, LLC	AMCA-4579
Service 1 <sup>st</sup> , LLC	AMCA-4553

It was seconded by Mr. Brinton. Motion carried.

**NEXT MEETING** was scheduled for December 4, 2017 at 8:30 AM.

## **ADJOURNMENT**

Mr. Vollmer made a motion to adjourn the meeting at 12:43 PM. It was seconded by Ms. McClaran. Motion carried.

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Paul J Morgan, Chair

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H Scott Calhoun

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B Jane McClaran

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Eric J Brinton

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Douglas D Vollmer

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Tana Cory, Bureau Chief